IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

WEDNESDAY, THE 3RD OCTOBER 2007 / 11TH ASWINA 1929

MFA.No. 294 of 2001(B)

OPMV.1234/1996 of ADDL.M. A. C. T., ALAPPUZHA

APPELLANT/PETITIONER:

MAJEED, S/O MUHAMMED KUNJU, VELIMPARAMBIL VEEDU, NEERKUNNAM MURI, AMBALAPUZHA VILLAGE, FROM THAZHICHAYIL, LAKSHAM VEEDU, KAKKAZHOM MURI, ALAPPUZHA VILLAGE, AMBALAPUZHA TALUK, ALAPPUZHA

BY ADV. SRI.M.M.IRSHAD MOOPPAN

RESPONDENTS/RESPONDENTS:

1. P.M.ABDUL RAHMAN, S/O P.A.MUHAMMED MARTHANDAM PARAMBU, HOUSE NO.6/1528, KOCHI-2

2. T.DEVADAS, S/O THANKA NADAR SARVODAYAGRAMAM,THOVALAPAKUTHIYIL KOTTARAM P.O. AGESTESWARAM TALUK, KANIYAKUMARI

3. THE BRANCH MANAGER, THE NEW INDIA ASSURANCE CO. LTD., ALAPPUZHA

4. B.KRISHNAKUMAR, KRISHNA NIVAS, KOMANA MURI, AMBALAPUZHA

5. THE BRANCH MANAGER, THE ORIENTAL INSURANCE CO. LTD. MULLACKAL, ALAPPUZHA

6. RAMACHANDRAN PILLAI, OMANA NIVAS, AVALOOKUNNU P.O. , ALAPPUZHA

BY ADV. SRI.KKM.SHERIF
SRI.A.A.ZIYAD RAHMAN
SRI.P.V.JYOTHI PRASAD

THIS MISC. FIRST APPEAL HAVING COME UP FOR ADMISSION ON 03/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.RADHAKRISHNAN & A.K.BASHEER, JJ.

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M.F.A.No.294 OF 2001

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Dated this the 3rd day of October, 2007

JUDGMENT

Radhakrishnan, J

The appellant is the claimant in O.P.(MV)No.1234/96. Aggrieved by the award in O.P.(MV)No.1234/96 on the file of the Additional Motor Accidents Claims Tribunal, Alappuzha, the appellant herein preferred this appeal. The question is to whether compensation awarded by the Tribunal is just and proper.

2. Tribunal awarded an amount of Rs.6,000/- for loss of earning for the period under treatment and recovery. He was hospitalised for 42 days. Therefore, we are inclined to grant an additional amount of Rs.6,000/- on that head. For pain and suffering, Tribunal awarded an amount of Rs.10,000/-. Considering the entire aspects of the case, we are of the view that the claimant is entitled to get an additional amount of Rs.10,000/- on that head. Thus altogether Rs.16,000/- is

awarded as additional compensation with interest at 7.5% from the date of the petition till payment.

MFA is disposed of as above.

K.S.RADHAKRISHNAN, JUDGE

A.K.BASHEER, JUDGE

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